

Submission in regards to the
Public Interest Disclosure
and Other Legislation Amendment
(Whistleblower Protections) Bill 2025



Foreword

Fusion thanks the Attorney-General's Department for the opportunity to influence the treatment of whistleblowers in Australia, as they play an enormously important role in upholding the morality that we expect in our society.

This submission was prepared by [John August](#), a member of the Pirate branch of the Fusion Party of Australia, with a longtime interest in whistleblowing legislation.

Our Opinion

The legislation is commendable in its attempts to provide a privileged means of communication, and a means of drawing attention to issues by whistleblowers without meaning they are in trouble for breaking other laws.

However, there are other areas where problems remain, in that Government officers have not shown an interest in applying themselves to an investigation, or making full use of available powers in that investigation. I am not sure whether this is the result of a [lack of resources](#), or a lack of initiative in using powers which have been granted. Interestingly, in Senate Hansard for 13 August 2025, Ms Carmen Miragaya reported that 1½ people were allocated to complaints and investigations. Further, in the case referenced in [our submission on the Whistleblower Protection Authority Bill 2025](#), where Cassandra Hodzic (with the Ombudsman) closed an investigation into the Australian National University because the University was illegally ignoring her, it seems possible that with support, she could have pressed the issue. Clearly, if a department is publicly tasked with an important responsibility, and then expected to work with one hand tied behind its back, we are going to have problems.

The ability of a Government department to make use of powers granted to it does not necessarily mean that the department will actually use those powers when useful in an investigation. There needs to be both the necessary resources and a culture which encourages the full pursuit of available means. There are examples of such investigative initiatives being supported in the Australian Tax Office, but the level of commitment seems quite arbitrary depending on the Government Department and how seriously Government itself takes the issue.

We are aware of the case of Prof. Tregear's appeal to the Ombudsman about what he alleges was serious unlawful conduct, which was not properly engaged with by his university nor energetically pursued by the ombudsman. We speculate that the goal may have been to "tick the boxes" to show something has been attempted, rather than actually to pursue a proper investigation.

For this reason, we are concerned that providing the Ombudsman with excessive, unaccountable discretion would allow existing problems to persist. The legislation must address these issues, which are separate from concerns about confidentiality or other legal



complications. It's worth noting that this lack of accountability for the Ombudsman has also been raised by three parliamentary committees:

- The Senate's Legal and Constitutional Affairs Committee (in the [report into the Whistleblower Protection Authority Bill 2025, section 1.75](#))
- The Senate's Standing Committee for the Scrutiny of Bills ([Scrutiny Digest 3 of 2025, p9](#))
- The Parliamentary Joint Committee on Human Rights ([Report 2 of 2025, p5](#))

We would like to see any whistleblower initiative be held accountable to both parliamentary committees and courts for mistakes that might arise in the processing of complaints, otherwise the legislation will not correct known problems.

Nevertheless, we credit the legislation with at least preventing some problems with how whistleblowers have attracted further legal trouble to themselves as something a little positive.



